

1 Adopt 2 Cal. Code Regs. Section 18951:

2 **18951. Surplus Funds.**

3 For purposes of Government Code section 89519:

4 (a) Campaign funds raised after January 1, 1989, under the control of a candidate
5 or elected officer shall be considered surplus campaign funds on the following dates:

6 (1) Incumbent Candidates: The date on which an incumbent candidate leaves any
7 elective office for which the campaign funds were raised, or, if the candidate is defeated
8 for reelection, the end of the postelection reporting period following his or her defeat,
9 whichever is later. An incumbent candidate who wishes to use funds for a future election
10 must transfer those funds to a new committee for a future election prior to this date.

11 (2) Withdrawn and Non-Incumbent Defeated Candidates: The end of the
12 postelection reporting period following the defeat or withdrawal of a candidate for
13 elective office for which the campaign funds were raised. A defeated non-incumbent
14 candidate who wishes to use funds for a future election must transfer those funds to a new
15 committee for a future election prior to this date.

16 (3) Deceased Candidates: Funds belonging to a candidate who dies while in office
17 or while running for office shall become surplus {Decision 1: [Option A: immediately
18 upon the death of the candidate] [Option B: on the earlier of either June 30 or December
19 31 following the candidate's death]}.

20 (b) The "end of the postelection reporting period" means June 30 with respect to
21 elections occurring in the first six months of the calendar year and December 31 for
22 elections occurring in the latter six months of the calendar year.

1 (c) Campaign funds are "raised" at the time the funds are received, as disclosed
2 on the candidate's campaign statements pursuant to Title 2 California Code of
3 Regulations Section 18421.1.

4 (d) Campaign funds raised on or before January 1, 1989, which have been
5 commingled with campaign funds raised after January 1, 1989, are presumed to have
6 been raised after January 1, 1989.

7 (e) Campaign funds raised by: (1) a committee, other than a candidate controlled
8 committee; (2) a candidate controlled ballot measure committee; or (3) a candidate on or
9 before January 1, 1989, {Option A: [are not considered surplus funds for purposes of
10 this section] Option B: are governed by Government Code sections 89511 through 89518
11 and 89520 through 89522}}.

12 NOTE: Authority cited: Section 83112, Government Code.
13 Reference: Section 89519, Government Code.